

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY LITVIN,

Plaintiff,

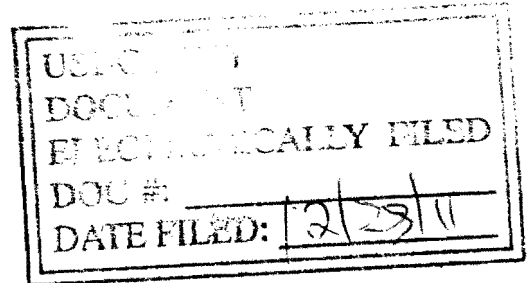
-v-

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.
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: 09 Civ. 8649 (JSR) (HBP)
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: ORDER
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JED S. RAKOFF, U.S.D.J.

On October 12, 2011, the Honorable Henry Pitman, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending the denial of the defendant Commissioner's motion under Federal Rule of Civil Procedure 12(c) for judgment on the pleadings.

Neither party has filed any objection to the Report and Recommendation, and, for that reason alone, they have waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, denies the motion for judgment on the pleadings and remands the case to the Social Security Administration for further proceedings consistent with Judge Pitman's opinion. Clerk to close case.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
December 23, 2011